

United States Bankruptcy Court  
Middle District of Tennessee

In re:  
Capstone Pediatrics, PLLC  
Debtor

Case No. 19-01971-RSM  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0650-3

User: bmp2450  
Form ID: pdf001

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 05, 2019.

db +Capstone Pediatrics, PLLC, 1420 Donelson Pike Suite B17, Nashville, TN 37217-3015

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 05, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 3, 2019 at the address(es) listed below:

BRUCE ANTHONY SAUNDERS on behalf of Interested Party Cigna Healthcare of Tennessee, Inc.  
tsaunders@wyattfirm.com  
BRUCE ANTHONY SAUNDERS on behalf of Interested Party Connecticut General Life Insurance  
Company tsaunders@wyattfirm.com  
BRUCE ANTHONY SAUNDERS on behalf of Interested Party HealthSpring Life and Health Insurance  
Company, Inc. tsaunders@wyattfirm.com  
DALTON M MOUNGER on behalf of Creditor A-Z Office Resource, Inc. dmounger@dmounger.com  
DANIEL HAYS PURYEAR on behalf of Creditor Newtek Small Business Finance, LLC  
dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com  
DANIEL HAYS PURYEAR on behalf of Creditor CDS Business Services, Inc. d/b/a Newtek Business  
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DAVID W HOUSTON, IV on behalf of Debtor Capstone Pediatrics, PLLC dhouston@burr.com,  
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GREGORY S REYNOLDS on behalf of Creditor SNH Medical Office Properties Trust  
greynolds@rwjplc.com, kbarger@rwjplc.com;lnelson@rwjplc.com  
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MATTHEW RYAN GASKE on behalf of Creditor TN Dept of Revenue matthew.gaske@ag.tn.gov  
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MILTON S. MCGEE, III on behalf of Creditor SNH Medical Office Properties Trust  
tmcgee@rwjplc.com, dgibby@rwjplc.com  
NATALIE M. COX on behalf of U.S. Trustee US TRUSTEE natalie.cox@usdoj.gov  
R BURKE KEATY, II on behalf of Creditor LaVon House bkeaty@forthepeople.com,  
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RYAN K COCHRAN on behalf of Creditor Four Plus Corporation ryan.cochran@wallerlaw.com,  
chris.cronk@wallerlaw.com;Deborah.liles@wallerlaw.com  
SEAN CHARLES KIRK on behalf of Creditor Fairway-Galt, LLC skirk@bonelaw.com  
THOMAS WORMOUTH SHUMATE, IV on behalf of Creditor Meridian Law, PLLC  
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US TRUSTEE ustpregrion08.na.ecf@usdoj.gov  
WARD W BENSON on behalf of Creditor United States of America on behalf of the Internal  
Revenue Service ward.w.benson@usdoj.gov, Eastern.Taxcivil@usdoj.gov  
WILLIAM L NORTON, III on behalf of Creditor Athenahealth bnorton@babac.com

TOTAL: 22



Dated: 10/3/2019

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE**

**IN RE: CAPSTONE PEDIATRICS, PLLC** )  
 )  
 )  
**LAVON HOUSE,** )  
 )  
**Movant,** )  
 )  
**vs.** )  
 )  
**CAPSTONE PEDIATRICS, PLLC,** )  
 )  
**Respondent.** )

**CASE NO: 3:19-bk-01971  
(CHAPTER 11)**

**AGREED ORDER GRANTING MOTION FOR RELIEF  
FROM AUTOMATIC STAY**

THIS MATTER came before the Court on the Motion for Relief from Automatic Stay (the “Motion”) filed by party-in-interest LaVon House (“Movant”). No objections to the Motion have been filed. Based upon the Motion, the entire record in this cause, and the signatures of counsel below, the Court finds and Orders as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G), and this Court has the authority and power to enter a final order in this contested matter.

2. Capstone Pediatrics, PLLC (“Debtor”) filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532, et seq. in the United States Bankruptcy Court for the Middle District of Tennessee on or about March 28, 2019 (the “Petition Date”).

3. Prior to the Petition Date, and on April 20, 2018, Movant filed a complaint against the Debtor, Gary Griffith, M.D., and Lauren Fincher Devine (collectively, “Defendants”) in the Circuit Court of Davidson County, Tennessee, as Case No. 18C1014 (the “State Court Suit”). The State Court Suit seeks damages against Defendants for health care liability for alleged torts arising under Tennessee law and requests damages to be determined by a jury.

4. The State Court Suit seeks to liquidate LaVon House’s claim against Defendants, including the Debtor, upon which a portion (or all) of such claim should be covered by Debtor’s insurance.

5. Since the State Court Suit was filed, the parties have undergone significant discovery, including depositions. Given the procedural history and current posture of the State Court Action, the Circuit Court of Davidson County, Tennessee is in the best position to proceed to trial to liquidate LaVon House’s claim against the Debtor.

6. Prior to the filing of the Joint Motion, LaVon House has not recovered any sum of money toward satisfaction of the claims asserted against the Debtor in the State Court Suit.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:

a. Immediately upon the entry of this Order, the automatic stay will be terminated to allow LaVon House to proceed to liquidate her claim against the Debtor in the State Court Suit;

b. The 14-day provisions of Fed. R. Bankr. P. 4001(a)(3) are hereby waived; and To the extent any damages are awarded against the Debtor and such damages exceed the insurance coverage, LaVon House may file a claim against the Debtor’s estate in the normal course

IT IS SO ORDERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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RANDAL S. MASHBURN  
UNITED STATES BANKRUPTCY JUDGE  
MIDDLE DISTRICT OF TENNESSEE

APPROVED FOR ENTRY:

/s/ Burke Keaty  
Jenney S. Keaty (TN BPR#027554)  
Burke Keaty (TN BPR#027342)  
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*Counsel for Debtor/Respondent*

PARTIES TO BE SERVED:

Debtor  
Debtor's Counsel  
Chapter 11 Trustee  
United States Trustee  
The Creditor Matrix

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.  
United States Bankruptcy Court.